

REMARKS

Claims 1 and 3-6 are pending in this application. Applicants have amended claim 1 to correct an informality objected to by the Examiner and to better describe the features of the invention. No new matter has been added.

The Examiner rejected claims 1 and 3-6 under 35 USC 102(b) as being anticipated by Kestenman U.S. Patent No. 2,126,263, or, in the alternative, under 35 USC 103(a) over Kestenman in view of Lee U.S. Patent No. 6,314,058. Applicants respectfully traverse these rejections.

Applicants' amended claim 1 recites, *inter alia*, a sliding section configured to be locked inwardly toward a first body section by a coil spring. Referring to applicants' Fig. 4, the lock cancel button 113 is, in a normal state, pushed outwardly by a force of the coil spring 113d. The lock pin 106B is sustained in a state of engaging in the engage opening region 113e of the lock cancel button 113 to prohibit displacement of the sliding section 106 (the measuring winding length state shown in Fig. 1). This provides the claimed sliding section configured to be locked inwardly toward the first body section by a coil spring, i.e., sliding section 106 is locked inwardly toward first body section 102 because coil spring 113d maintains pressure against the lock cancel button 113, which in turn prevents lockpin 106B from disengaging from trunk region 113b of the lock cancel button 113. With lockpin 106B engaged with trunk region 113b, the sliding section 106 is prevented from moving. Where the lock cancel button 113 is pushed inwardly (in the direction of the arrow P in Fig. 4), the lock pin 106B is released from engagement with the lock cancel button 113, thereby enabling the sliding section 106 to be moved (to the non-measuring winding length state shown in Fig. 2).

The combination of elements defined by amended claim 1 is neither disclosed nor suggested in Kestenman or Lee, viewed alone or in combination. Kestenman's slidable extension member 32 is not configured to be locked inwardly toward cover member 9 by coil spring 60. First, it is Kestenman's detent means 35 (consisting of pawls 52 mounted on

extension member 32 that engage apertures 21 on the intermediate foldable member 8) that prevents outward movement of the clasping device. That is how Kestenman's fastener is configured to be locked inwardly, and spring 60 plays no part in the locking. Second, spring 60 permits Kestenman's fastener to yield with the flexing of the wrist. Extension member 32 is thus movable with respect to the detent means 35 under the yielding action of the spring 60. Because of Kestenman's spring 60, a bracelet is allowed to expand and contract with the flexing of the wrist. That is not the claimed invention, and Lee does not overcome this deficiency.

To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. The standard for the anticipation analysis is that "[e]very element of the claimed invention must be literally present, arranged as in the claim. ... The identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1983).

Since Kestenman fails to teach every element of the claim, Kestenman fails to anticipate claim 1. Thus, claim 1 is patentable over the Kestenman reference. This logic also disposes of the rejection of claims 3-6, which depend directly or indirectly from claim 1. Since the alternative rejection under 35 USC 103(a) also relies on Kestenman, it should be withdrawn as well because Kestenman does not provide the teachings for which it is cited.

In view of the above, entry of the amendments after final rejection is appropriate here as the amendments place the application in condition for allowance or in better form for appeal. Accordingly, applicants solicit early action in the form of a Notice of Allowance.

In the event that the transmittal letter is separated from this document and the Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 163852020900.

Respectfully submitted,

Dated: November 22, 2006

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